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## FISCAL IMPACT REPORT

SPONSOR Balderas DATE TYPED 02/23/2005 HM 29

SHORT TITLE Support For El Camino Real SB \_\_\_\_\_

ANALYST Moser

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
NFI	NFI				

Duplicates: HM 28

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Transportation (DOT)  
Game and Fish

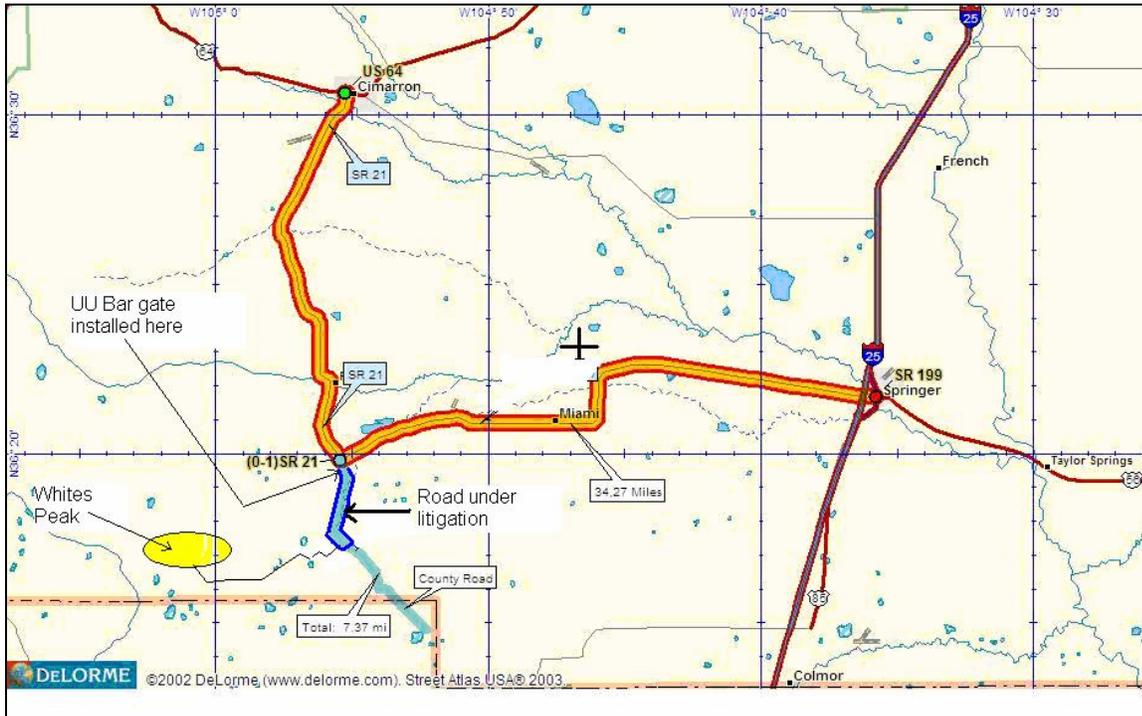
### SUMMARY

#### Synopsis of Bill

The memorial supports maintaining a historic road, once known as NM 21/199 and a section of El Camino Real, in southern Colfax County as a public highway to provide general access to public lands around Whites Peak. The memorial requests that the Executive Branch and all its agencies support this effort.

#### Significant Issues

1. The NMDOT maintains that the description of the road in the memorial is incorrect. The memorial describes the road in question as part of El Camino Real in Colfax and Mora Counties, also known as State Road 21 and State Road 199. In 1987, the State Highway Commission removed State Road 199 from the system. State Road 21 was re-defined as running from the junction with US 64 in Cimarron through Rayado and Miami and ending at the interchange with I-25 in Springer.



Map of State Road 21 between Cimarron and Springer, Whites Peak Area, Road under litigation in Colfax County.

2. The State Highway Commission quiet claimed the deed to the State Game Commission in 1985. The purpose was to continue public access to Whites Peak recreational area (State land).
3. Ownership of the road described in the memorial is the subject of a law suit pending in the Court of Appeals for the State of New Mexico. In the case *State of New Mexico, ex rel Patricia A. Madrid, Attorney General, and New Mexico State Game Commission of the State of New Mexico, Plaintiffs/Appellants, v. UU Bar Ranch Limited Partnership, A Nevada Limited Partnership, WesternStates Management Services, LTD., and others*, Defendants/Appellees the State appeals the ruling of the Eight Judicial District Court, County of Colfax, State of New Mexico, on July 10, 2002 by the Honorable Peggy J. Nelson, in favor of UU Bar Ranch. The Notice of Appeal from the Judgment and Decree were filed on August 7, 2002.

## OTHER SUBSTANTIVE ISSUES

In September 1997 the UU Bar installed a locked gate on the road at its intersection with State Road 21. This action has prevented public access to White Peak from the north and east.

In 1998 Former New Mexico Attorney General Tom Udall filed suit on behalf of the State alleging that the road has always existed as a public road from the State's Territorial Period to the present. In October 1999, the District Court dismissed the State's complaint against the UU Bar ranch and found that the Attorney General's Office had no standing to bring the case. The State Game Commission joined the suit as a Plaintiff in January 2000 and filed an Amended Complaint to Quiet Title.

The State argued that in October 1985, the New Mexico State Highway Commission authorized a transfer of the disputed property (the 21.8-mile road) by quitclaim deed to the State Game Commission (New Mexico Game and Fish Department) for public use. This land transfer was approved in 1985 by the New Mexico State Board of Finance. The State's attorney argued that the State never abandoned (in the legal sense) the road and that the State Highway Department's use of the term abandoned is different. The transfer to the State Game and Fish Division was to provide access to state trust land at Whites Peak area. The original deed was lost.

GM/yr